

**REMARKS**

Applicant submits these remarks in response to the Final Office Action dated June 6, 2005 ("Office Action").

Applicant responds to the rejections as set forth below.

**Claim Rejection -- 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over Valentine, U.S. Patent No. 6,157,640, in view of MacMahan et al., U.S. Patent No. 5,402,477. Applicant respectfully asserts that the claimed invention is not *prima facie* obvious, and that a careful reading of the two references reveals that the combination does not yield the claimed invention.

First, with respect to independent claims 1, 6, 10, 15, or 19, the combined references neither have the call state monitor nor the telephony documentation claimed by the present invention.

***The control node 200 of Valentine cannot be the call state monitor because the control node 200 has a different telephone number from the smart terminal 160, "In accordance with this embodiment of the present invention, a directory or other routing number is assigned to the control node 200."*** (col. 7, lines 5-7.) When the second incomincol. 8, lines 7-10. The call state monitor is vastly different from control node 200. First, call state monitor passively determines a device's call state, e.g. idle, dialing, active, ringing off-hook, on-hold, call tunneling, conference call, etc.). In contrast, ***control node 200*** is an active device with its own directory (or telephone) number, and ***is not for the detection of call state, but for the routing of incoming calls and transmission of control data*** (col. 8, lines 7-10).

***With respect to MacMahan et al., the Examiner confuses a list of telephony services with a list of telephony documentation.*** This is equivalent to saying that a list of menu items in a graphical user interface is the same as a help window that describes the available menu items. Clearly, if the Examiner's argument was correct, there would be no "Help" menu item, and no

accompanying help information windows in a graphical user interface. ***Application module 100 of MacMahan et al. does not contemplate telephony documentation at all, and in fact teaches away from such a concept. In contrast, application module 100 deals with the disposition of an incoming call by invoking a telephony service, and not through the presentation of telephony documentation.*** (col. 7, lines 10-62.) Quoting the Examiner, on page 3 of the Final Office Action, “MacMahan et al. teaches ... compiling ***a list of services*** available for that telephone, displaying such information to user (See Col. 9, lines 10-23). (Emphasis added) As mentioned before, documentation includes feature description, invocation directions, feature information (such as cost, times a feature has been invoked, etc), and service provider information (advertisements, information about upgrades, outages, or special promotions). ***None of these aspects of telephone documentation are addressed by MacMahan et al. Applicant insists that a list of telephony documentation is distinguishable from a list of telephony services.***

***With respect to dependent claims 2, 7, 11, 16, and 20, although the Examiner states that this update feature is obvious, the Examiner does not cite any art illustrating the (supposed) obviousness.*** Instead, the Examiner further confuses the process of determining available telephony services (MacMahan et al.) with the telephony wizard being “...is further configured to download an update to the list of telephony documentation.” The claimed invention relates to the downloading of updates to the existing Telephony Wizard application. The MacMahan et al. invention does not contemplate such an update of telephony documentation.

**CONCLUSION**

For these and other reasons, neither Valentine, nor MacMahan et al., alone or in combination, render obvious the claimed invention.

Applicant therefore respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 103(a).

Applicant believes that for the reasons set forth above, all claims are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 509-4008.

Respectfully submitted,  
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By: 

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